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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,122	04/09/2001	Gary M. Katz	PIP-69B-KATZ	5972
31518	7590	10/21/2008	EXAMINER	
NEIFELD IP LAW, PC			RETTA, YEHDEGA	
4813-B EISENHOWER AVENUE			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22304			3622	
		NOTIFICATION DATE	DELIVERY MODE	
		10/21/2008	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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OCT 20 2006

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In re Application of :  
Gary M. Katz : DECISION ON PETITION  
Application No. 09/828,122 : TO WITHDRAW THE  
Filed: April 9, 2001 : RESTRICTION  
For: PAIRED PROMOTION ARCHITECTURE : REQUIREMENT

Applicants' petition filed on July 8, 2006 requests reinstatement of withdrawn claims 59-64 under an election by original presentation restriction as set forth in the Office action mailed March 27, 2006. Applicants further request an examination on the merits of all pending claims.

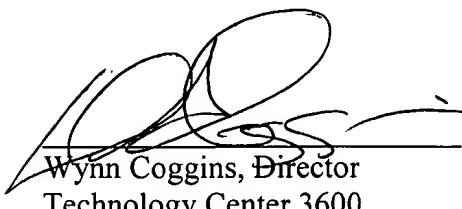
The petition is **GRANTED**.

A review of the record reveals that the Office action mailed March 27, 2006 set forth an election by original presentation requirement which resulted in the withdrawal of newly added Claims 59-64 that specified "determining a promotion for a product which has never been purchased and pairing it with a promotion for a product that has been purchased before, by the same consumer." This petition was then timely filed.

Applicants' petition alleges that the "restriction requirement is improper because the examiner has shown no basis for insisting upon restriction, for holding that the groups are independent or distinct." After reviewing the original claims and the newly added group of Claims 59-64, it has been found that both groups pair promotions from a low relevance category (or one not purchased) and a high relevance category (or one frequently purchased) for a consumer based on past purchase history. The only difference between the two groups is the recitation of the frequency (not purchased, purchased) that the newly added Claims 59-64 specifically identify. However, since there could not be more low relevance than not purchasing a product, it is not deemed to be a significant burden on the examiner to examine the newly added Claims 59-64.

For the foregoing reasons, the examiner's election requirement is improper.

The application is being forwarded to the examiner for consideration of all of the claims, including previously withdrawn Claims 59-64. An appropriate Office response will follow in due course.



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EWS: 10/6/08